

CHIROPRACTIC

CHAPTER 40

CHIROPRACTIC EXAMINERS

[Prior to 7/29/87, Health Department[470] Ch 141]

GENERAL

645—40.1(151) Definitions. The following definitions shall be applicable to the rules of the Iowa board of chiropractic examiners:

“*Active licensee*” means any person licensed to practice chiropractic in Iowa who has met all conditions of license renewal and maintains a current license to practice in this state.

“*Adjustment/manipulation of neuromusculoskeletal structures*” means use by a doctor of chiropractic of a skillful treatment based upon differential diagnosis of neuromusculoskeletal structures and procedures related thereto by the use of passive movements with the chiropractic physician’s hands or instruments in a manipulation of a joint by thrust so the patient’s volitional resistance cannot prevent the motion. The manipulation is directed toward the goal of restoring joints to their proper physiological relationship of motion and related function. Movement of the joint is by force beyond its active limit of motion, but within physiologic integrity. Adjustment or manipulation commences where mobilization ends and specifically begins when the elastic barrier of resistance is encountered by the doctor of chiropractic and ends at the limit of anatomical integrity. Adjustment or manipulation as described in this definition is directed to the goal of the restoration of joints to their proper physiological relationship of motion and related function, release of adhesions or stimulation of joint receptors. Adjustment or manipulation as described in this definition is by hand or instrument. The primary emphasis of this adjustment or manipulation is upon specific joint element adjustment or manipulation and treatment of the articulation and adjacent tissues of the neuromusculoskeletal structures of the body and nervous system, using one or more of the following:

1. Impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a nature that patient volitional resistance is overcome, commencing where the motion encounters the elastic barrier of resistance and ends at the limit of anatomical integrity.
2. Instrument adjusting, utilizing instruments specifically designed to deliver sudden, high velocity, short amplitude thrust.
3. Light force adjusting, utilizing sustained joint traction or applied directional pressure, or both, which may be combined with passive motion to restore joint mobility.
4. Long distance lever adjusting, utilizing forces delivered at some distance from the dysfunctional site and aimed at transmission through connected structures to accomplish joint mobility.

“*Anatomic barrier*” means the limit of motion imposed by anatomic structure; the limit of passive motion.

“*Board*” shall mean the board of chiropractic examiners of the state of Iowa.

“*C.C.E. (Council on Chiropractic Education)*” shall mean the Educational Standards of Chiropractic Colleges and bylaws which are on file in the office, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, and in accordance with 17A.6(3), a copy may be obtained for the actual cost of reproduction.

“*Chiropractic intern*” means a chiropractic student of an approved college of chiropractic in the student’s last academic quarter, semester, or trimester of study, who is eligible for graduation from the college of chiropractic except for completion of a preceptorship program.

“*Chiropractic manipulation*” means care of an articular dysfunction or neuromusculoskeletal disorder by manual or mechanical adjustment of any skeletal articulation and contiguous articulations.

“*Chiropractic practice Acts*” shall mean Iowa Code chapter 151 and those provisions of the Iowa Code which incorporate by explicit reference to the practice of chiropractic.

“*Chiropractic preceptor*” means a chiropractic physician licensed and practicing in Iowa pursuant to Iowa Code chapter 151, who accepts a chiropractic student into the practice for the purpose of providing the chiropractic student with a clinical experience of the practice of chiropractic.

“*Chiropractic resident*” means a graduate chiropractic physician who has received a doctor of chiropractic degree from a college of chiropractic approved by the board.

“*Chiropractic student*” means a student of an approved college of chiropractic.

“*Department*” shall mean the Iowa department of public health.

“*Differential diagnosis*” means to examine the body systems and structures of a human subject to determine the source, nature, kind or extent of a disease, vertebral subluxation, neuromusculoskeletal disorder or other physical condition, and to make a determination of the source, nature, kind, or extent of a disease or other physical condition.

“*Director*” shall mean the director of public health.

“*Disciplinary proceeding*” shall mean any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

“*Elastic barrier*” means the range between the physiologic and anatomic barrier of motion in which passive ligamentous stretching occurs before tissue disruption.

“*Extremity manipulation*” means a corrective thrust or maneuver by a doctor of chiropractic by hand or instrument based upon differential diagnosis of neuromusculoskeletal structures applied to a joint of the appendicular skeleton.

“*License*” means license to practice.

“*Licensee*” shall mean a person licensed to practice chiropractic.

“*Licensee discipline*” or “*discipline*” shall mean any sanction the board may impose upon its licensees for conduct which threatens or denies persons of this state a high standard of professional care.

“*Malpractice*” shall mean any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a chiropractic physician in the practice of the profession.

“*Mobilization*” means movement applied singularly or repetitively within or at the physiological range of joint motion, without imparting a thrust or impulse, with the goal of restoring joint mobility.

“*Order*” shall mean a requirement, procedure or standard of specific or limited application adopted by the board relating to any matter the board is authorized to act upon, including the professional conduct of licensees and the examination for licensure and licensure of any person under the laws of this state.

“*Peer review*” shall mean evaluation of professional services rendered by a professional practitioner.

“*Peer review committee*” shall mean one or more persons acting in a peer review capacity who have been appointed by the board for such purpose.

“*Physiologic barrier*” means the limit of active motion, which can be altered to increase range of active motion by warm-up activity.

“*Preceptorship practice*” means the chiropractic practice of a single chiropractic physician or group of chiropractic physicians in a particular business or clinic, into which a licensed practicing chiropractic physician has accepted a chiropractic intern for the limited purpose of providing the chiropractic intern with a clinical experience in the practice of chiropractic.

“*Profession*” shall mean chiropractic.

“*Respondent*” shall mean any individual(s) who shall be charged in a complaint with a violation of professional ethics or practice or both.

“*Rule*” shall mean a requirement, procedure, or standard of general applicability prescribed by the board relating to either the administration or enforcement of the chiropractic profession.

645—40.2(151) Description of board. The purpose of the board of chiropractic examiners is to administer, interpret and enforce the provisions of Iowa Code chapter 151 and those other provisions of the Iowa Code which incorporate by explicit or implicit reference the practice of chiropractic. These powers include but are not limited to the examination of candidates, determining the eligibility of candidates for licensure by examination and endorsement, investigating violations and infractions of the laws relating to the practice of chiropractic, and revoking, suspending or otherwise disciplining a chiropractic physician who has violated the provisions of the chiropractic practice Acts.

645—40.3(151) Organization of board. The board is comprised of five members licensed to practice chiropractic and two representatives of the general public. The members are appointed by the governor and confirmed by the senate. The term of office is for three years. The board:

40.3(1) Is a policymaking body relative to matters involving chiropractic education and licensure, postgraduate training and discipline.

40.3(2) Conducts business according to established policy as approved by the members.

40.3(3) Organizes annually and elects a chairperson, vice chairperson, superintendent of examinations, and a secretary from its membership.

a. “*Chairperson*” shall preside at all meetings of the board. Shall have power to vote. Shall appoint committees when necessary to study issues, and shall follow Robert’s Rules of Order.

b. “*Vice chairperson*” shall act in the capacity of chairperson in the absence of that officer.

c. “*Secretary*” shall keep an accurate and complete record of all transactions of the board. Copies of all such records will become public record and will be on file in the board office, Lucas State Office Building, Des Moines, Iowa 50319-0075 or its designated office.

d. “*Superintendent of examinations*” shall supervise the examination and make arrangements for the holding of the examinations in a proper manner.

40.3(4) Governs its proceedings by Robert’s Rules of Order, Revised.

40.3(5) Receive the administrative and clerical support of a board administrator, hired by the department, who:

a. Is not a member of the board.

b. Under guidance of the members of the board performs administrative activities relating to the department in the administration and enforcement of the laws relative to the practice of chiropractic.

40.3(6) Has the statutory authority to:

a. Administer, interpret, and enforce the laws and administrative rules relating to the practice of chiropractic;

b. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

c. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

d. Initiate and prosecute disciplinary proceedings;

e. Impose licensee discipline;

f. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

g. Establish and register peer review committees;

h. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline.

However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;

- i.* Determine and administer the annual renewal of licenses;
- j.* Establish and administer rules for continuing education requirements as a condition to license renewal.

645—40.4(151) Official communications. All official communications, including submissions and requests, should be addressed to the Board Administrator, Iowa Board of Chiropractic Examiners, Lucas State Office Building, Des Moines, Iowa 50319-0075.

645—40.5(151) Office hours. The office of the board is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week.

645—40.6(151) Meetings. Regular meetings of the board ordinarily are held at least quarterly. The board utilizes licensing examinations administered by the National Board of Chiropractic Examiners twice each year. At the discretion of the board, three-day licensing examinations may be administered by the board. These examinations may be in addition to national licensing examinations or in lieu of same. Information concerning the dates and locations for meetings and examinations may be obtained from the board's office.

645—40.7(151) Public meetings. All meetings of the board shall be open and public and all citizens of Iowa shall be permitted to attend any meeting, except as otherwise provided by statute.

40.7(1) The board may, by a vote of two-thirds of its members, hold a closed session for the following reasons:

- a.* To review or discuss records which are required or authorized by state or federal law to be kept confidential.
- b.* To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosures would be likely to prejudice or disadvantage the position of the board in that litigation.
- c.* To discuss the contents of a licensing examination.
- d.* To initiate licensee disciplinary investigations or proceedings.
- e.* To discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A.
- f.* To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, which if disclosed would enable law violators to avoid detection.
- g.* To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
- h.* To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

40.7(2) Reserved.

645—40.8(151) Oral presentations. Prior to adoption, amendment, or repeal of any rule, the board shall give Notice of Intended Action by causing said notice to be published in the Iowa Administrative Bulletin. Written comments relating to the proposed action by the board may be submitted to the board at its official address no later than 20 days after the notice has been published.

The Administrative Rules Review Committee may, under the provisions of Iowa Code section 17A.8(6), on its own motion or on written request by any individual or group, review this proposed action at a regular or special meeting where the public or interested persons may be heard. An oral presentation shall be scheduled prior to the adoption, amendment or repeal of any rule(s) provided the request for presentation is in writing, received no later than 20 days after the notice has been published and the request for presentation is made by: 25 interested persons, a governmental subdivision, an agency, an association of 25 persons, or upon the discretion of the board.

40.8(1) The chairperson of the board or a presiding officer appointed by the board shall preside over the oral presentation.

a. The date, time and location of the oral presentation shall be set by the board. The appropriate individuals, governmental subdivisions, agencies or associations making the request shall be notified of said date, time and location of presentation by certified mail.

b. Any individual(s) may present either written or oral comments pertinent to the rule(s) for which the oral presentation has been scheduled. Any individual(s) desiring to make written comments shall submit these comments to the presiding officer prior to the presentation date. Any individual(s) desiring to make an oral presentation shall submit a written request to the board prior to the presentation date.

c. The authority of the chairperson of the board or presiding administrative law judge during the oral presentation includes:

(1) Setting a ten-minute time limit on oral presentations if necessary;

(2) Excluding any individual(s) who may be either disruptive or obstructive to the oral presentation; and

(3) Ruling that the oral presentation or discussion, or both, is not pertinent to the oral presentation.

d. The conduct of the chairperson of the board or presiding officer during the oral presentation shall include but need not be limited to:

(1) Open the oral presentation and receive appearances.

(2) Enter the oral presentation into the public record.

(3) Receive oral presentations.

(4) Read into the official public record written comments which have been submitted.

(5) Adjourn the oral presentation.

40.8(2) Reserved.

645—40.9(151) Rules pertaining to schools.

40.9(1) Rules pertaining to the practice of chiropractic at a chiropractic college clinic shall be equal to the standards established by the Council on Chiropractic Education existing as of February 1, 1991.

40.9(2) All chiropractic colleges in order to be approved by the board of chiropractic examiners shall first have status with the Commission on Accreditation of the Council on Chiropractic Education, as recognized by the U.S. Office of Education, existing as of February 1, 1991.

40.9(3) The following procedures are established for an institution to obtain equivalent approval by the board of examiners:

a. Standards. The standards against which the institution will be evaluated shall be those published and utilized by the Council on Chiropractic Education existing as of February 1, 1991.

b. Self-study. A comprehensive self-study shall be required of the applying institution which measures its performance against the objectives of the institution and the standards of the board of examiners. After review of the self-study the board shall render a decision that the self-study is either: (1) satisfactory, (2) unsatisfactory in terms of the report, or (3) unsatisfactory in terms of content. If unsatisfactory, the board will furnish the institution with a bill of particulars. An inspection of the institution shall not be made until the self-study is satisfactory.

c. Inspection. Inspection of the institution shall be conducted by an examining team selected by the board and shall consist of a minimum of five members. Two shall have doctorates in the basic sciences; one shall have a doctorate in college administration; and two shall be doctors of chiropractic.

(1) The inspection team shall determine firsthand if the applicant institution meets the established standards and is meeting its own institutional objectives.

(2) Expenses of the inspection team shall be borne by the applicant institution.

(3) The inspection team shall furnish the board with a comprehensive report of the team findings after having provided the institution with opportunity to comment on its findings.

d. Decision. The board of examiners will make its decision on the basis of the comprehensive report of the inspection team after providing the institution opportunity for a hearing on the report. If a member of the board has participated in the inspection, the member shall not participate in the decision-making process.

COLLEGES AND COLLEGE-BASED PROGRAMS

40.9(4) Students—treatment of patients.

a. Unlicensed practice by chiropractic interns and chiropractic residents. The board may approve the unlicensed practice of chiropractic in this state by a bona fide student of a chiropractic college which offers an approved preceptorship program, if the chiropractic college preceptorship program, the chiropractic preceptor and practice of chiropractic by the intern meet the criteria established by the Council on Chiropractic Education. The board may approve the unlicensed practice of chiropractic in this state by a chiropractic resident in an approved postgraduate chiropractic preceptorship program, if the postgraduate chiropractic preceptorship program, the chiropractic preceptor and the practice of chiropractic by the chiropractic resident meet the criteria established by the Council on Chiropractic Education.

b. Approved chiropractic college preceptorship programs. The board shall approve a chiropractic college preceptorship program which includes all of the following criteria:

(1) Is operated by a chiropractic college approved by the board. The board shall consider whether the college is accredited by the Council on Chiropractic Education, and shall also consider the degree of consumer protection provided by the defined standards and practices of the chiropractic college's preceptor program, as well as the degree of consumer protection demonstrated by the actual operation of the chiropractic college's preceptor program.

(2) Is an established component of the curriculum of the chiropractic college.

(3) Certifies to the board, on forms supplied by the school:

1. That all chiropractic interns who participate in the preceptorship program have met all requirements for graduation from the chiropractic college except for completion of the preceptorship period, and

2. That no chiropractic physician who is a preceptor shall supervise more than one chiropractic intern for the duration of a given preceptorship period.

(4) Certifies to the board on forms supplied by the school that all chiropractic physicians who participate as preceptors have been fully credentialed by the sponsoring chiropractic college.

(5) Certifies to the board on forms supplied by the school that the chiropractic preceptor and the chiropractic intern have agreed on the goals of the preceptor to be completed by the chiropractic intern.

(6) Upon request, provides a current list to the board of the chiropractic physicians in Iowa who are preceptors in the program.

c. Approved postgraduate preceptorship programs. The board shall approve a preceptorship program for the training of chiropractic residents which meets all of the following criteria:

(1) Is operated by a chiropractic college approved by the board. The board shall consider whether the college is accredited by the Council on Chiropractic Education, and shall also consider the degree of consumer protection provided by the defined standards and practices of the chiropractic college's preceptor program, as well as the degree of consumer protection demonstrated by the actual operation of the chiropractic college's preceptor program.

(2) Is an established postgraduate program of the chiropractic college.

(3) Certifies to the board, on forms supplied by the school:

1. That all chiropractic residents who participate in the postgraduate preceptorship program have graduated from a college of chiropractic approved by the board, and

2. That no chiropractic physician who is a preceptor shall supervise more than one chiropractic resident for the duration of a given preceptorship period.

(4) Certifies to the board on forms supplied by the school that all chiropractic physicians who participate as preceptors are fully credentialed in accordance with current guidelines for chiropractic preceptorship established by the Council on Chiropractic Education.

(5) Certifies to the board, on forms supplied by the college, that the chiropractic resident preceptor and the chiropractic resident have agreed on the goals of the preceptor program to be completed by the chiropractic resident.

(6) Upon request, provides to the board a current list of the chiropractic physicians in Iowa who are preceptors in the program.

d. Approved chiropractic preceptors. The board shall approve a chiropractic physician to be a chiropractic physician preceptor if the chiropractic physician meets all of the following conditions:

(1) Certifies to the board, on forms supplied by the school, that:

1. The chiropractic physician preceptor has been continuously licensed in the United States for the previous five years and currently holds a license in Iowa, that there are no pending disciplinary actions or malpractice awards granted against the chiropractic physician preceptor, and that there have been no board disciplinary actions taken within the last three years against the chiropractic physician preceptor.

2. The chiropractic physician preceptor is fully credentialed in accordance with current guidelines for chiropractic preceptorship established by the Council on Chiropractic Education.

3. The chiropractic physician preceptor is responsible for the practice of the chiropractic intern or chiropractic resident who is accepted into a preceptorship practice.

4. The chiropractic physician preceptor will identify the chiropractic intern or chiropractic resident to the patients of the preceptorship practice in such a way that no patient will tend to be misled as to the status of the chiropractic intern or chiropractic resident. The chiropractic intern or chiropractic resident will wear an identification badge at all times in the presence of preceptorship patients.

5. The chiropractic physician preceptor will supervise no more than one chiropractic intern or chiropractic resident for the duration of a given preceptorship period.

6. The chiropractic physician preceptor will exercise direct, on-premises supervision of the chiropractic intern or chiropractic resident at all times during which the chiropractic intern or chiropractic resident is engaged in any facet of patient care in the chiropractic physician preceptor's clinic.

e. Termination of preceptorship. A preceptorship shall terminate upon the occurrence of the earliest applicable of the following events.

(1) For a chiropractic intern participating in a preceptorship program, graduation from the college of chiropractic operating the program.

(2) For a chiropractic resident participating in a postgraduate preceptorship program, the passage of 12 months since graduation from a board-approved college of chiropractic.

(3) For either a chiropractic intern preceptorship or a chiropractic resident preceptorship, any of the following:

1. The filing of formal disciplinary decisions against a chiropractic preceptor, the nature of which is a criminal offense and the circumstances of which substantially relate to the practice of chiropractic.

2. The filing of formal disciplinary decisions against a chiropractic physician preceptor for violation of statutes or administrative rules pertaining to the practice of chiropractic.

3. The granting of a malpractice award against a chiropractic physician preceptor in a civil action for malpractice.

40.9(5) The student enrolled at an approved chiropractic college in the state of Iowa will be able to treat patients under the license of the clinic director or designated licensed doctor associated with the clinic of the college who must be a currently licensed Iowa chiropractic physician and the board so notified of the name of the doctor. The clinic will operate under the license of the clinic director or designated licensed doctor associated with the clinic.

645—40.10(151) General requirements.

40.10(1) Beginning July 1, 1982, the licensure period shall be from July 1 of the even-numbered year to June 30 of the subsequent even-numbered year.

40.10(2) The board shall assess a penalty equal to the renewal fee if more than 30 days have passed since the expiration date.

40.10(3) Any licensee who allows the license to lapse by failing to renew within one year of the expiration date shall be required to pay the penalty set forth in 40.10(2) and all past renewal fees then due provided the fees shall not exceed \$500 as computed by the board and show evidence of 30 hours of accredited continuing education for each lapsed year, which constitutes an organized program of learning, and which contributes directly to the professional competency of the licensee. The hours need not exceed 90 hours for reinstatement, if obtained within the past two years, except when there is a demonstrated deficiency for specialized education as determined by the board through a personal interview with the applicant. A licensee may be reinstated without examination upon approval by the board.

40.10(4) The board may affiliate with the Federation of Chiropractic Licensing Boards.

40.10(5) Any official action or vote of the board taken by mail or by other means shall be preserved by the board administrator in the same manner as the minutes of the regular meetings.

40.10(6) Any legal proceedings where applicable shall be conducted in a manner as stipulated in Iowa Code chapters 17A, 147, 151.

40.10(7) Persons licensed to practice chiropractic shall keep their license publicly displayed in the primary place of practice. When a person licensed to practice chiropractic changes residence or place of practice, notification shall be sent to the Iowa Board of Chiropractic Examiners, Lucas State Office Building, Des Moines, Iowa 50319-0075.

40.10(8) Every license to practice chiropractic shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee, without exception. Application for renewal shall be made in writing to the board accompanied by the required fee at least 30 days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. The board shall notify each licensee by mail prior to the expiration of a license. Failure to renew the license within a reasonable time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.

This rule is intended to implement Iowa Code sections 147.7, 147.9 and 147.10.

645—40.11(151) Rules for conducting examinations.

40.11(1) The applicant shall submit a completed application on a form prescribed by the board with required credentials and fee. The completed application must include the following:

a. A photostatic copy of chiropractic diploma (no larger than $8\frac{1}{2} \times 11$ inches) from an approved college or a letter of graduation intent from a college registrar within 120 days of examination date. However, no license to practice will be issued until the board administrator has received a copy of the signed diploma.

b. Rescinded IAB 2/12/97, effective 3/19/97.

c. Official transcript of grades of the National Board of Chiropractic Examiners.

d. The applicant shall have received certification from the National Board of Chiropractic Examiners attesting to the successful completion of the required examination after July 1, 1973, or a basic science certificate issued prior to July 1, 1973.

(1) Effective August 1, 1976, all electives of the National Board examination are required.

(2) Effective January 1, 1987, Part III of the National Board examination is required.

(3) Effective January 1, 1996, Part IV of the National Board examination is required.

e. Each applicant shall submit three written character references on the application. The references shall not be from members of the chiropractic profession.

f. Each applicant must include a record of the number and date of chiropractic license obtained in other states, if any, the manner in which such license or licenses were obtained, and a statement as to whether or not any license so issued has ever been suspended or revoked.

g. Each application shall include a chronologic statement as to all the places where the candidate has practiced, if any, type of practice engaged in and the period of time so engaged.

h. One passport-size photograph of the applicant taken within the previous six months.

i. A final transcript sent directly from a board-approved college of chiropractic.

40.11(2) Any candidate applying for licensure may be required to appear for a personal interview before the board or before a member thereof.

40.11(3) The board shall require written, oral or practical examinations of any applicant.

40.11(4) Any candidate who fails the examination may take a second examination at a regularly scheduled examination upon payment of the examination fee. The candidate shall be required to repeat the entire examination if a previous examination is failed. Additional repeats of the examination are permitted at the discretion of the board.

40.11(5) Examinations given by the board will be held at a location and time specified by the board.

40.11(6) All applicants matriculating after October 1, 1975, will be graduated from a college having status with the C.C.E. (Council on Chiropractic Education) as of the date of the applicant's graduation. (See 40.9(151).)

645—40.12(151) Licensure by reciprocity or endorsement.

40.12(1) Each applicant shall submit a completed application form accompanied by a fee of \$100.

40.12(2) A license to practice chiropractic by reciprocity or by endorsement may be issued on the basis of an examination in substantially all of the subjects required by this board given by a state examining board having reciprocal or endorsement relations with the board, provided, however, that the applicant must comply with all other requirements for licensure by examination in this state.

40.12(3) If any state with which this state has reciprocal or endorsement relations places any limitations or restrictions upon licentiates of this state, the same limitations or restrictions may be imposed upon licentiates of such state applying for admission to practice in this state on the basis of reciprocity or endorsement.

40.12(4) The statement made in the application must be reviewed and verified by the state examining board issuing the original license, certifying under seal as to the subjects in which the applicant was examined, the grade obtained in each subject and the general average attained in the entire examination.

40.12(5) In all cases the board reserves the right to review the examination papers and grades upon which reciprocal or endorsement certification may be granted before accepting the same.

40.12(6) No reciprocal license or license by endorsement shall be issued except on the basis of a license received by examination. The applicant must have had two years of full-time practice before applying for license by reciprocity or endorsement.

40.12(7) Rescinded IAB 8/19/92, effective 9/23/92.

40.12(8) Rescinded IAB 8/19/92, effective 9/23/92.

40.12(9) The chiropractic examiners may require written, oral or a practical examination of any applicant for licensure by reciprocity or endorsement.

645—40.13(151) License renewal date. A license to practice chiropractic shall expire on the thirtieth of June of every even-numbered year.

645—40.14(151) License-examination-renewal fees. The following fees shall be collected by the board:

40.14(1) For the basic application fee required of all applicants, \$50. For a license to practice chiropractic, issued upon the basis of examination given by the chiropractic examiners, \$225.

40.14(2) For the biennial renewal fee of a license to practice chiropractic, \$100. Renewal fees shall be received by the board before the end of the last month of the renewal period.

40.14(3) For a certified statement that a licensee is licensed in this state, \$10.

40.14(4) For a duplicate license, which shall be so designated on its face, upon satisfactory proof the original license issued by the Iowa department of public health has been destroyed or lost, or if necessary for display in additional place of practice, \$10.

40.14(5) For a penalty fee for failure to complete required continuing education within the compliance period, \$100.

40.14(6) For reinstatement of a lapsed or inactive license the fee is \$50.

This rule is intended to implement Iowa Code section 147.80.

645—40.15(151) Specified forms to be used. All applications for examinations, certificates and licenses shall be on forms prescribed by the board. These forms may include, but not be limited to, the following, and where practicable, any one or more of the following forms may be consolidated into a single form.

Board Form:	Form Title:
1.	Application for a license to practice chiropractic on the basis of examination.
2.	Application for reinstatement of license to practice chiropractic.
3.	Application for renewal of a chiropractic license.
4.	Complaint form.
5.	Report of continuing chiropractic education.
6.	Certificate of exemption from continuing education requirements.
7.	Application for waiver of minimum education requirements due to disability or illness.

645—40.16(151) Temporary certificate.

40.16(1) The board may, in its discretion, issue a temporary certificate authorizing the applicant to practice chiropractic whenever, in the opinion of the board, a need exists and the applicant possesses the qualifications prescribed by the board for the certificate, which shall be substantially the same as those required under Iowa Code chapter 151. A temporary certificate shall be issued for one year and, at the discretion of the board, may be annually renewed, not to exceed two additional years, at a fee of \$100 per year. The board may require completion of continuing education hours for renewal of a temporary certificate.

40.16(2) Each applicant shall:

a. Submit a completed application on a form prescribed by the board with required credentials and fee. The completed application must be on file at least 30 days prior to the date of the examination and must include the following:

(1) A photostatic copy of chiropractic diploma (no larger than 8½ x 11 inches) from an approved college or a letter of graduation intent from a college registrar within 120 days of examination date. However, no license to practice will be issued until the board administrator has received a copy of the signed diploma.

(2) A final transcript sent directly from a board-approved college of chiropractic.

(3) Official transcript of grades of the National Board of Chiropractic Examiners.

b. Submit documentation from the National Board of Chiropractic Examiners attesting to the successful completion of the required examination after July 1, 1973, or a basic science certificate issued prior to July 1, 1973.

(1) Effective August 1, 1976, all electives of the National Board examinations are required.

(2) Effective January 1, 1987, Part III of the National Board examinations is required.

(3) Effective January 1, 1996, Part IV of the National Board examinations is required.

c. Submit three written character references on the application form. The references shall not be from members of the chiropractic profession.

d. Include a record of the number and date of chiropractic license(s) obtained in other states, if any, the manner in which such license or licenses were obtained, and a statement as to whether or not any license so issued has ever been suspended or revoked.

e. Include a chronological statement as to all the places where the candidate has practiced, if any, type of practice engaged in and the period of time so engaged.

f. Submit two copies of a passport-size photograph of the applicant taken within the previous six months.

40.16(3) Applicants may be required to satisfactorily complete a written, oral, or practical examination. In any case, the board may require the applicant to appear for a personal interview before the board or a member of the board.

40.16(4) The temporary certificate may be canceled at any time without a hearing for reasons deemed sufficient to the board. The certificate may be canceled:

a. For any of the grounds for which licensee discipline may be imposed.

b. If the temporary certificate holder applies for a permanent license, is examined, and fails the examination.

Cancellation will be effective three days after mailing the notice of cancellation by registered mail.

This rule is intended to implement Iowa Code section 151.12.

645—40.17(514F) Utilization and cost control review.

40.17(1) The board shall establish U.C.C.R. (Utilization and Cost Control Review) committee(s). The name(s) of the committee(s) shall be on file with the board and available to the public. The designation of the committee(s) shall be reviewed annually.

40.17(2) Members of the U.C.C.R. committee shall:

- a.* Hold a current license.
- b.* Have practiced chiropractic in the state of Iowa for a minimum of five years prior to appointment.
- c.* Be actively involved in a chiropractic practice during the term of appointment as a U.C.C.R. committee member.
- d.* Have no pending board disciplinary actions or discipline taken during the three years prior to appointment and no discipline pending or taken during the period of appointment.
- e.* Have no malpractice awards granted against the appointed committee member during the three years prior to appointment or during the period of appointment.
- f.* Not assist in the review or adjudication of claims in which the committee member may reasonably be presumed to have a conflict of interest.
- g.* Have completed a utilization review course that has been previously approved by the board.

40.17(3) Procedures for utilization and cost control review. A request for review may be made to the board by any person governed by the various chapters of Title XX of the Code, self-insurers for health care benefits to employees, other third-party payers, chiropractic patients or licensees.

a. There shall be a reasonable fee, as established by the board, for services rendered, which will be made payable directly to the U.C.C.R. committee. The committee shall make a yearly accounting to the board.

b. A request for service shall be submitted to the executive director of the U.C.C.R. committee on an approved submission form and shall be accompanied by four copies of all information. All references to identification and location of patient and doctor shall be deleted and prepared for blind review by the executive director of the U.C.C.R. committee. The information shall be forwarded to the U.C.C.R. committee.

c. The U.C.C.R. committee shall respond in writing to the parties involved with its findings and recommendations within 90 days. The committee shall review the appropriateness of levels of treatment and give an opinion as to the reasonableness of charges for diagnostic or treatment services rendered as requested. The U.C.C.R. committee shall submit a quarterly report of their activities to the board. The U.C.C.R. committee shall meet at least annually with the board chair or the board chair's designee.

40.17(4) Types of cases reviewed shall include:

- a.* Utilization.
 - (1) Frequency of treatment,
 - (2) Amount of treatment,
 - (3) Necessity of service,
 - (4) Appropriateness of treatment.
- b.* Usual and customary service.

40.17(5) Criteria for review may include but are not limited to:

- a.* Was diagnosis compatible and consistent with information?
- b.* Were X-ray and other examination procedures adequate, or were they insufficient or nonrelated to history or diagnosis?
- c.* Were clinical records adequate, complete, and of sufficient frequency?
- d.* Was treatment consistent with diagnosis?
- e.* Was treatment program consistent with scientific knowledge and academic and clinical training in accredited chiropractic colleges?
- f.* Were charges reasonable and customary for the service?

40.17(6) Members of the U.C.C.R. committee shall observe the requirements of confidentiality imposed by Iowa Code chapter 272C.

40.17(7) Action of the U.C.C.R. committee does not constitute an action of the board. This rule is intended to implement Iowa Code sections 514F.1 and 514F.2.

645—40.18(151) Acupuncture.

40.18(1) “Acupuncture” is the procedure of puncturing the skin with needles for treatment.

40.18(2) Rescinded IAB 8/19/92, effective 9/23/92.

40.18(3) Venipuncture for withdrawal of blood is not an acupuncture procedure.

645—40.19(151) Nonprofit nutritional product sales.

40.19(1) Profit shall mean all moneys remaining after the cost of operating a chiropractic practice.

40.19(2) The sale price of the nutritional product may not include a profit exceeding the cost of the practice overhead and the product.

645—40.20(151) Chiropractic insurance consultant.

40.20(1) Definition. The term “*chiropractic insurance consultant*” shall mean an Iowa-licensed chiropractic physician registered with the board who serves as a liaison and advisor to an insurance company and who advises said insurance company of: Iowa standards of recognized and accepted chiropractic services and procedures permitted by the Iowa Code and administrative rules; and advice on the propriety of chiropractic diagnosis and care.

40.20(2) Licensed chiropractic physicians shall not hold themselves out as chiropractic insurance consultants unless they meet the following requirements:

a. Hold a current license.

b. Practice chiropractic in the state of Iowa for a minimum of five years.

c. Be actively involved in a chiropractic practice during the term of appointment as a chiropractic insurance consultant.

This rule is intended to implement Iowa Code sections 151.1 and 151.11.

645—40.21(151) Adjunctive procedures.

40.21(1) Adjunctive procedures defined. Procedures related to differential diagnosis.

40.21(2) Any applicant for licensure to practice chiropractic in the state of Iowa who chooses to be tested in limited adjunctive procedures, those limited procedures must be adequate for the applicant to come to a differential diagnosis in order to pass the examination.

40.21(3) Applicants for licenses to practice chiropractic who refuse to utilize any of the adjunctive procedures which they have been taught in approved colleges of chiropractic must adequately show the examiners that they can come to an adequate differential diagnosis without the use of adjunctive procedures.

This rule is intended to implement Iowa Code sections 151.1 and 151.11.

645—40.22(151) Physical examination. The chiropractic physician is to perform physical examinations to determine human ailments, or the absence thereof, utilizing principles taught by chiropractic colleges. Physical examination procedures shall not include prescription drugs or operative surgery.

645—40.23(151) Gonad shielding. Gonad shielding of not less than 0.25 millimeter lead equivalent shall be used for chiropractic patients who have not passed the reproductive age during radiographic procedures in which the gonads are in the useful beam, except for cases in which this would interfere with the diagnostic procedure.

645—40.24(147,272C) Principles of chiropractic ethics. The following principles of chiropractic ethics are hereby adopted by the board relative to the practice of chiropractic in this state.

40.24(1) These principles are intended to aid chiropractic physicians individually and collectively in maintaining a high level of ethical conduct. These are standards by which a chiropractic physician may determine the propriety of the chiropractic physician's conduct in the chiropractic physician's relationship with patients, with colleagues, with members of allied professions, and with the public.

40.24(2) The principal objective of the chiropractic profession is to render service to humanity with full respect for the dignity of man. Chiropractic physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.

40.24(3) Chiropractic physicians should strive continually to improve chiropractic knowledge and skill, and should make available to their patients and colleagues the benefits of their professional attainments.

40.24(4) A chiropractic physician should practice a method of healing founded on a scientific basis, and should not voluntarily associate professionally with anyone who violates this principle.

40.24(5) The chiropractic profession should safeguard the public and itself against chiropractic physicians deficient in moral character or professional competence. Chiropractic physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

40.24(6) A chiropractic physician may choose whom to serve. In an emergency, however, services should be rendered to the best of the chiropractic physician's ability. Having undertaken the care of a patient, the chiropractic physician may not neglect the patient; and, unless the patient has been discharged, the chiropractic physician may discontinue services only after giving adequate notice.

40.24(7) A chiropractic physician should not dispose of services under terms or conditions which tend to interfere with or impair the free and complete exercise of professional judgment and skill or tend to cause a deterioration of the quality of chiropractic care.

40.24(8) A chiropractic physician should seek consultation upon request; in doubtful or difficult cases; or whenever it appears that the quality of chiropractic service may be enhanced thereby.

40.24(9) A chiropractic physician may not reveal the confidences entrusted in the course of chiropractic attendance, or the deficiencies observed in the character of patients, unless required to do so by law or unless it becomes necessary in order to protect the welfare of the individual or of the community.

40.24(10) The honored ideals of the chiropractic profession imply that the responsibilities of the chiropractic physician extend not only to the individual, but also to society where these responsibilities deserve interest and participation in activities which have the purpose of improving both the health and well-being of the individual and the community.

645—40.25 to 40.35 Reserved.

645—40.36(151) Acupuncture. Renumbered as 645—40.18(151), IAB 12/27/00.

645—40.37(151) Nonprofit nutritional product sales. Renumbered as 645—40.19(151), IAB 12/27/00.

645—40.38(151) Chiropractic insurance consultant. Renumbered as 645—40.20(151), IAB 12/27/00.

645—40.39(151) Adjunctive procedures. Renumbered as 645—40.21(151), IAB 12/27/00.

645—40.40(151) Physical examination. Renumbered as 645—40.22(151), IAB 12/27/00.

645—40.41(151) Gonad shielding. Renumbered as 645—40.23(151), IAB 12/27/00.

645—40.42 to 40.50 Reserved.

645—40.51(147,272C) Principles of chiropractic ethics. Renumbered as 645—40.24(147,272C), IAB 12/27/00.

645—40.52(151,272C) Conduct of persons attending meetings. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.53 to 40.61 Reserved.

645—40.62(272C) Continuing education requirements. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.63(151) Standards for approval. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.64(151) Approval of sponsors, programs, and activities. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.65(272C) Hearings. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.66(272C) Reports and records. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.67(272C) Attendance record. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.68 Reserved.

645—40.69(272C) Exemptions for inactive practitioners. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.70(272C) Reinstatement of inactive practitioners. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.71(272C) Exemptions for active practitioners. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.72(272C) Physical disability, illness or exemption of continuing education. Rescinded IAB 12/27/00, effective 1/31/01.

645—40.73(272C) Reinstatement of lapsed license. Rescinded IAB 12/27/00, effective 1/31/01.

These rules are intended to implement Iowa Code sections 147.32, 147.76 and 272C.2.

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CHAPTER 41
CHILD SUPPORT NONCOMPLIANCE
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CHAPTER 42
IMPAIRED PRACTITIONER REVIEW COMMITTEE
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